

From commitment to implementation: Ten Years of the Responsibility to Protect

25 February 2016

On Friday, 25 February 2016, the President of the United Nations General Assembly (UNGA) convened a high-level thematic panel discussion entitled *From commitment to implementation: Ten years of the Responsibility to Protect* to mark the 10th anniversary of adoption of the norm.

The event included interventions by actors that were instrumental in the norm's development and implementation during the past decade. Following remarks by the President of the UNGA, Mogens Lykketof, and the Deputy-Secretary-General, Jan Eliasson, an expert panel reflected on RtoP's advancement, including both progress and remaining challenges. Moderated by the Special Advisor on the Prevention of Genocide, Adama Dieng, the panel featured Gareth Evans, Co-Chair of the International Commission on Intervention and State Sovereignty; Navi Pillay, former United Nations High Commissioner for Human Rights; Edward Luck, former Special Advisor on the Responsibility to Protect; and Jennifer Welsh, the present Special Advisor on the Responsibility to Protect.

Member States, civil society, and other UN offices then took the floor to express their views, concerns, and hopes in relation to RtoP, as well as to address the panelists directly with questions and remarks. Thirty-seven Member States; the European Union (EU), speaking on behalf of its members as well as Turkey, Albania, Georgia and Macedonia; the International Coalition for the Responsibility to Protect; the Global Centre for the Responsibility to Protect; and the United Nations Office on Drugs and Crime all delivered interventions. The 50-member Group of Friends on RtoP also provided a statement, given by the Rwandan delegation, and Denmark spoke on behalf of the other Nordic countries (Finland, Iceland, Norway, and Sweden).

Find links to all the statements by going to www.responsibilitytoprotect.org and clicking on Our Work and "Summaries of General Assembly Meetings"

Panelists

Mr. Evans opened the panel by reminding **that the Responsibility to Protect (RtoP) policy is for pragmatists, not purists**. He expressed the need for the development of institutional preparedness so as to be able to **strengthen early prevention** and response to warning signs, noting Kenya's response to the 2008 post electoral violence as an example of effective preventative measures. Mr. Evans acknowledged that the track record for the implementation of RtoP is mixed with successes, challenges and failures, as evidenced by situations in, amongst others, the Ivory Coast, Congo, South Sudan, Sri Lanka, Darfur, Libya and Syria, but that these experiences should serve as lessons and not barriers. These lessons should be used in order to be able to **rebuild a consensus within the United Nations Security Council (UNSC)** so as to be able to more efficiently react to cases of mass atrocities. Overall, he concluded, **RtoP has done far more good than harm**, as evidenced by the change in political dialogue.

Dr. Pillay noted that, while the last decade has seen new institutional capacities developed as a result of advances with RtoP, the current state of the world paints a "sorry tale" for where the state of civilian protection lies. **Reflecting on current crises, she noted that none occurred without warning**, but rather built up gradually, clearly showing the need for effective early warning and prevention mechanisms.

Reflecting on his role as the Special Advisor on RtoP and the development of the norm during the past decade, Dr. Luck noted both the impact of RtoP and challenges that remain. He reminded governments that **protection responsibilities extend to all people on their territory**, regardless of their legal status, citizenship, political views, or ethnicity, whilst also stipulating that armed **non-State actors must be held to the same standards** and their leaders held accountable where

necessary. Furthermore, the prevention of incitement is, according to Dr. Luck, an element too often overlooked and is something that could serve as effective prevention and early warning mechanisms. Dr. Luck underlined that **collective responsibility is dependent upon individual responsibility** and that we must thus all do our part. He stated that we must **listen more closely to local civil society** and recalled the situations in Kenya, Guinea, Kyrgyzstan and the Ivory Coast where RtoP has had a positive impact. He also called for the UNGA as well as other UN institutions to strengthen the capacity of national authorities, civil society, and private actors so as to avoid the reoccurrence of atrocities. Finally, Dr. Luck lamented the fact that the UNGA has, since the adoption of the World Summit Outcome Document, failed to **pass a substantive resolution** and called for the Assembly to provide funding for the Special Adviser on RtoP.

Closing out the panel, Dr. Welsh stated that RtoP's first decade has been a "long and uneven journey." She noted that **RtoP has shown itself to be a practical policy framework for prevention and response** whose relevance is as strong now as a decade ago. While considering the barriers to collective action and the fact that the world continues to tragically witness a decline in respect for international humanitarian law, she stated that **the international community "should not shy away from the principle because it is demanding."** Rather, she stated that efforts must be taken to utilize the various mechanisms to uphold RtoP so as to address the challenges that remain.

Discussion with Member States

Draft Resolution

A great number of States, including the EU and the 50 member Group of Friends of RtoP, expressed their support for the cross-regional draft resolution on RtoP. If adopted, this resolution, as Australia noted, would be the first substantive GA text on RtoP since 2005 and would—if adopted in its current form—**put RtoP on the provisional agenda of the 71st session of the UNGA**. Slovenia and Ghana called on all States to actively engage in the negotiations. Nigeria underlined the balanced nature of the draft as well as its focus on the strengthening of national capacities for prevention. It also expressed the **hope that it would be adopted by consensus**.

In addition to the Group of Friends and the EU, states who expressed support for the RtoP resolution process included Slovenia, Denmark, Finland, Iceland, Norway, Nigeria, Australia, Switzerland, Spain, Belgium, Argentina, Ghana, Turkey, and Japan.

Role of the Special Advisors and other UN mechanisms

Many states, such as Ghana, Nigeria, Costa Rica, Belgium and Argentina, joined Mr. Evans and Dr. Luck in expressing their support for the **work of the Special Advisers on the Prevention of Genocide and RtoP**. Both Mr. Evans and Dr. Luck **called for funding of the Special Adviser on RtoP position**. Costa Rica and Nigeria stated that this work was crucial for effective early warning and response mechanisms, and mentioned the UN Framework of Analysis on Atrocity Crimes in this regard.

Support was also shown for '**Human Rights up Front**' with interventions by governments and regional bodies, such as the EU, Slovenia, Belgium and Argentina noting the capabilities of the initiative in preventing mass atrocities.

Romania and Nigeria also brought up the importance of Geneva-based UN **human rights institutions** and procedures, such as the **Universal Periodic Review**, and underlined the important role they must play within the framework of RtoP.

Furthermore, Belgium, Spain, Slovenia, Argentina and the UN Office on Drugs and Crime (UNODC) all mentioned the importance of the **fight against impunity** and the **role of the ICC** in implementing RtoP.

Code of Conduct and French/Mexican Declaration

Numerous States also drew attention to two initiatives pertaining to the use of the veto in the UN Security Council; namely the **Code of Conduct** regarding UNSC action in cases of genocide, crimes against humanity or war crimes and the political declaration put forth by France and Mexico on a voluntary restraint on the use of the veto.

Switzerland and Nigeria pointed out that, so far, there are **110 signatories to the Code**. The United Kingdom, which has a veto in the UNSC, expressed the view that the **P-5 should not have the power to prevent UN responses in cases of mass atrocity crimes**. Costa Rica and Spain also urged States to sign the Code.

Concerns

Despite a strong show of support for the norm, a number of States, such as Russia, Sudan, Cuba, China, Syria, Nicaragua, Ecuador, Venezuela, Belarus and Iran expressed concerns as to its implementation and potential misuse. **Clearer definitions of relevant terms**, such as “risk factors” and “mass atrocities”, were called for by Cuba. Ecuador, Syria and Iran called for the international community to not use a double standard in applying RtoP. These states underscored that RtoP must not become a policy aiming solely at intervention and underscored the **primacy of the responsibility to prevent** atrocities. Nevertheless, as Gareth Evans indicated, despite the enumerated concerns as to RtoP’s implementation, **no State refuted the State’s responsibility to protect its own populations from atrocity crimes**.